

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**THE NORTHERN ASSURANCE
COMPANY,**

Plaintiff,

vs.

BMC DREDGE, INC., et al.,

Defendants.

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CIVIL ACTION NO. 09-0030-CG-M

ORDER

This matter is before the court on defendant BMC Dredge, Inc.'s motion to dismiss the cross claim filed by Millard Refrigerated Services, Inc. ("Millard"). (Doc. 40) In light of Millard's response (Doc. 47), requesting that its cross-claim against BMC Dredge, Inc. be dismissed without prejudice, the motion to dismiss is **GRANTED** in part, and said cross-claim is hereby **DISMISSED** without prejudice.

DONE and ORDERED this 28th day of April, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE